Royal Canadian Mounted Police
External Review Committee

Comité externe d'examen
de la Gendarmerie royale du Canada

Privacy Act

RCMP External Review Committee
Annual Report
2008-09

INTRODUCTION

The *Privacy Act* protects the privacy of all Canadian citizens and permanent residents regarding personal information held by a government institution. It also gives individuals, including those in Canada who are not permanent residents or citizens, the right to access their own personal information.

Section 72 of the *Privacy Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the *Act* during the financial year. This report describes how the RCMP External Review Committee administered the *Privacy Act* throughout fiscal year 2008-09.

ABOUT THE RCMP EXTERNAL REVIEW COMMITTEE

The Royal Canadian Mounted Police External Review Committee (ERC) was created by Part II of the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10, as amended, as an independent and impartial body to review appeals of formal discipline, appeals of discharge or demotion, and certain types of grievances involving regular and civilian members of the RCMP. The ERC independently reviews cases referred to it and submits recommendations to the Commissioner of the RCMP.

PRIVACY RESPONSIBILITIES

Because of the small size of the ERC (less than 10 FTE's) and of the small number of requests, all access to information-related functions are performed by the Executive Director and the Manager, Administrative Services. The ERC processes requests as follows:

- the requested information is identified and localized;
- the requests are examined to see if they should be transferred to another government institution with a 'greater interest';
- possible exemptions are considered;
- a copy of the non-exempt information is prepared and forwarded to the requester with a transmittal letter; and,
- the requests and all related documentation are filed in the ERC's ATIP registry.

All personal information is compartmentalized, and access is controlled, to ensure it will only be used for the purpose for which it was collected. Disclosure is limited to two categories: as prescribed in the *RCMP Act*, or as required for recognized internal administrative purposes.

The ERC relies on existing Treasury Board guidelines.

DELEGATION ORDER

The Minister of Public Safety, pursuant to section 73 of the *Privacy Act*, designates the Chair, the Vice-Chair and the Executive Director and Senior Counsel of the ERC to exercise the powers and perform the duties of the Minister as the head of a government institution, that is, the Royal Canadian Mounted Police External Review Committee, under the sections of the *Act*. The responsibilities associated with the administration of the *Privacy Act* include notifying applicants of extensions and releasing records to applicants (see Annex A, Delegation Order).

PRIVACY ACT REQUESTS RECEIVED

Throughout fiscal year 2008-09, the ERC received two requests under the *Privacy Act*. The disposition of the requests is as follows:

All disclosed	0
Disclosed in part	0
Excluded	0
Exempt	0
Unable to process	0
Abandoned	0
Transferred	2
Total	2

Annex B provides a summarized statistical report on *Privacy Act* requests processed by the ERC between April 1, 2008 and March 31, 2009.

DISPOSITION OF REQUESTS

The ERC transferred the two requests to the Royal Canadian Mounted Police; it was determined that that organization would likely have any existing records. The applicants were advised accordingly.

PRIVACY IMPACT ASSESSMENTS (PIA) COMPLETED DURING THE YEAR

There were no PIA's or Preliminary PIA's undertaken by the ERC during the reporting period.

DATA MATCHING AND DATA SHARING ACTIVITIES

The ERC's case file numbers are matched with the RCMP case file number when the file is received at the ERC. Once the ERC issues its findings and recommendations, the case file number is matched with the RCMP Commissioner's decision.

There are no internal data matching activities as the ERC is a very small organization (less than 10 FTE's).

TRAINING ACTIVITIES

As the ERC receives a very small number of ATIP requests and the majority are referrals outside the agency to larger agencies, no formal ATIP training has been provided in this reporting period. However, some legal staff at the ERC have received legal training in ATIP matters. The requests that are challenging require legal analysis.

All information about the ATIP program is routinely circulated to all staff of the ERC. Also, the ERC regularly disseminates information through its quarterly newsletter *Communiqué*, its annual report and communications activities concerning its operations.

DISCLOSURES PURSUANT TO PARAGRAPH 8(2)(E), (F), (G) AND (M) OF THE *PRIVACY ACT*

Subsection 8(2) of the *Privacy Act* provides limited and specific circumstances under which institutions may disclose personal information without an individual's consent. Treasury Board Secretariat identified four categories of disclosures made by virtue of specific paragraphs of this subsection that institutions must include in this year's annual report. These categories concern disclosures made for law enforcement purposes, to Members of Parliament and those made in the public interest.

During the reporting period, the ERC did not disclose personal information pursuant to paragraphs 8(2)(e), (f), (g) and (m) of the *Privacy Act*.

COMPLAINTS/INVESTIGATIONS

The ERC did not receive any complaints and was not investigated during the reporting period.

APPLICATIONS/APPEALS TO THE FEDERAL COURTS

There were no applications/appeals to the Courts for fiscal year 2008-09.

Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la *Loi sur la protection des renseignements personnels*

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 73 of the *Privacy Act*,* hereby designates the persons holding the positions set out in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the RCMP External Review Committee, under the sections of the *Act* set out in the schedule opposite each position.

En vertu de l'article 73 de la *Loi sur la protection des renseignements personnels**, le Ministre de la Sécurité publique et Protection civile Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire, le Comité externe d'examen de la Gendarmerie royale du Canada, investi par les articles de la *Loi* mentionnés en regard de chaque poste.

Schedule

Annexe

Position Poste	Sections of the *Privacy Act* Articles de la *Loi sur la protection des renseignements personnels*
Chairman Président	8(2)(j), 8(2)(m), 8(4), 8(5), 10, 15, 17(2), 18(2), 19 to/à 28 incl., 35(4), 51(2), 51(3), Reg./Règ. 9, 11(2), 11(4), 13(1), 14
Vice-Chairman Vice-président	8(2)(j), 8(2)(m), 8(4), 8(5), 10, 15, 17(2), 18(2), 19 to/à 28 incl., 35(4), 51(2), 51(3), Reg./Règ. 9, 11(2), 11(4), 13(1), 14

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Annexe

Position Poste	Sections of the *Privacy Act* Articles de la *Loi sur la protection des renseignements personnels*
Executive Director and Senior Counsel Directeur exécutif et Avocat principal	8(4), 8(5), 10, 15, 16, 17(2), 18(2), 35(4), 51(2), 51(3), Reg./Règ. 9, 11(2), 11(4), 13(1), 14

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Dated at the City of Ottawa this 24th day of April, 2006

Daté en la ville d'Ottawa ce _____ ième jour de _____, 2006

Stockwell Day, P.C., MP
Public Safety and Emergency Preparedness Canada

Stockwell Day, C.P., député
Sécurité publique et Protection civile Canada

*R.S.C., 1985, c. P-21

*L.R.C. (1985), ch. P-21

ANNEX B

Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	Reporting period / Période visée par le rapport
RCMP External Review Committee / Comité externe d'examen de la GRC	2008-2009

I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period / Reçues pendant la période visée par le rapport	2
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	2
Completed during reporting period / Traitées pendant la période visées par le rapport	2
Carried forward / Reportées	0

II Disposition of request completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	0
2.	Disclosed in part / Communication partielle	0
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	0
5.	Unable to process / Traitement impossible	0
6.	Abandonned by applicant / Abandon de la demande	0
7.	Transferred / Transmission	2
TOTAL		2

III Exemptions invoked / Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	0
S. Art. 27	0
S. Art. 28	0

IV Exclusions cited / Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	2
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extentions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

VII Translations / Traductions

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	0
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention

Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	$	500
Administration (O and M) / Administration (fonctionnement et maintien)	$	25
TOTAL	$	525

Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.0045

Supplemental Reporting Requirements for 2008-2009

Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for the 2007-2008 reporting period.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated: ___0___

Preliminary Privacy Impact Assessments completed: ___0___

Privacy Impact Assessments initiated: ___0___

Privacy Impact Assessments completed: ___0___

Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC): ___0__

If your institution did not undertake any of the activities noted above during the reporting period, this must be stated explicitly.

Exigences en matière d'établissement de rapports pour 2008-2009

Loi sur la protection des renseignements personnels

Le Secrétariat du Conseil du Trésor surveille la conformité à la Politique sur l'Évaluation des facteurs relatifs à la vie privée (EFVP) (qui est entrée en vigueur le 2 mai 2002) par divers moyens. Les institutions sont donc tenues de déclarer les renseignements suivants pour la période de déclaration 2007-2008.

Prière d'indiquer le nombre :

d'évaluations préliminaires des facteurs relatifs à la vie privée amorcées : __0__

d'évaluations préliminaires des facteurs relatifs à la vie privée achevées : __0__

d'évaluations des facteurs relatifs à la vie privée amorcées : ____0___

d'évaluations des facteurs relatifs à la vie privée achevées : ____0___

d'évaluations des facteurs relatifs à la vie privée acheminées au Commissariat à la protection de la vie privée (CPVP) : __0__

Si votre institution n'a pas entrepris l'une ou l'autre des activités susmentionnées durant la période de rapport, cela doit être mentionné de façon explicite.

Discrepancies

nil

Divergences

néant